

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

OHIO VALLEY ENVIRONMENTAL
COALITION, et al.,

Plaintiffs,

v.

CIVIL ACTION NOS. 3:05-0784
3:06-0438

UNITED STATES ARMY CORPS
OF ENGINEERS, et al.,

Defendants.

v.

INDEPENDENCE COAL COMPANY, et. al.,

Intervenor-Defendants.

ORDER

Pending before the Court is the United States' Motion to Extend the Stay of Proceedings Regarding the Mingo Logan Coal Company's Spruce No. 1 Permit for an Additional Three Weeks (Doc. # 474). According to the United States, the motion is unopposed. As a result, for reasons apparent to the Court, and those explained more fully in the Court's October 21, 2009, Order, which initially stayed this action in response to the U.S. Environmental Protection Agency's announcement that it may exercise its § 404(c) authority with regard to this permit, the Court **GRANTS** the motion. All proceedings regarding the Mingo Logan Coal Company's Spruce No. 1 Permit are **STAYED** until **March 26, 2010**.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented parties.

ENTER: March 8, 2010

A handwritten signature in black ink, appearing to read 'Robert C. Chambers', written over a horizontal line.

ROBERT C. CHAMBERS
UNITED STATES DISTRICT JUDGE